

REMARKS

Applicant requests favorable reconsideration and allowance of this application in view of the foregoing amendments and the following remarks.

Claims 1, 3, 5-17, 19, and 21-23 are pending in this application, with Claims 1, 17, 19, and 22 being independent.

Claims 1, 17, 19, and 22 have been amended. Applicant submits that support for these amendments can be found in the original disclosure, and therefore no new matter has been added.

Claims 1, 3, 5-16, 19, 21 and 22 were rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. Applicant respectfully traverses this rejection for the reasons discussed below.

The Examiner contends that the means recited in these claims can be construed as just software, and that this makes the claim non-statutory. Applicant respectfully submits that this conclusion is erroneous both in terms of law and technology. According to statute, a claim feature recited in a means-plus-function format must be construed to cover the disclosed *structure* for performing the recited function, and equivalents. 35 U.S.C. §112, sixth paragraph. Software *per se* is not a structure, and therefore the “means-plus-function” claim features cannot be construed as “just software.” Moreover, software by itself does not perform any function. Software only performs a function when it is embodied in a processor or other machine. Accordingly, the claim features cannot reasonably be construed to cover just software. Rather, they must be construed to cover a disclosed structure capable of performing the recited functions, for example, software executed by CPU 10.

Moreover, Claim 1 is directed to an image processing apparatus, and Claim 19 is directed to a system having an image processing apparatus. An “apparatus” is clearly a statutory class of subject matter, and is clearly not just software. Accordingly, Applicant submits that the invention recited in Claims 1 and 19 prior to this Amendment is statutory subject matter.

Further, to expedite prosecution and emphasize that the apparatus and system of Claims 1 and 19, respectively, are not directed to just software, those claims have been amended to recite an additional information generating device that generates additional information. Applicant submits that one skilled in the art would construe a device to be a physical structure, and therefore this claim feature cannot reasonably be construed to be just software.

Regarding Claim 22, that claim has been amended to recite that the claimed program is stored on a computer-readable medium, and therefore Applicant submits that Claim 22 is clearly directed to statutory subject matter.

For the foregoing reasons, Applicant requests reconsideration and withdrawal of the rejection under Section 101.

Claims 1, 3, 5-11, 16, 17, 19 and 21-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,785,814 to Usami et al in view of U.S. Patent No. 7,069,584 to Davis. Applicant respectfully traverses this rejection for the reasons discussed below.

As recited in independent Claim 1, the present invention includes, *inter alia*, the features of repeatedly adding additional information to image data to generate information-

added data so as to make it difficult to visually identify the additional information, wherein the information-added data comprises a first area to which the additional information is added and a second area to which the additional information is not added, and encrypting the information-added data to make it difficult to detect a position where the additional information is added by randomly arranging the additional information across the whole area of the image data. With these features, additional information is repeatedly added to information-added data only in a first area, and the information-added data is encrypted to make it difficult to detect where the first area containing the additional information is. This, in turn, makes it more difficult for someone to tamper with or alter the additional information, since they cannot easily determine where the additional information is.

Applicant submits that the cited art fails to disclose or suggest at least the above-mentioned features recited in independent Claim 1. *Usami* discloses a technique for adding additional information to image data so as to make it difficult to visually identify the additional information, but it does not disclose or suggest that the information is added only to a first area of image data, or encrypting the image data to make it difficult to detect a position where the additional information is added.

Applicant submits that *Davis* fails to remedy the deficiencies of *Usami*. *Davis* discloses a technique for generating a SuperPIN (1CA23B4D) by encrypting a Secret Identifier (ABCD) using Random data (4132). (See Fig. 2.) However, *Davis* does not disclose or suggest repeatedly adding additional information only to a first area of information-added data. Applicant submits that if the teachings of *Usami* and *Davis* were combined, they might suggest to perform encryption that randomly arranges the additional information on the entire area to which the additional information is added. However,

Applicant submits that the combination would not suggest to repeatedly add additional information to only a first area of the information-added data, and to perform encryption that makes it difficult to detect a position where the additional information is added by randomly arranging the additional information across the whole area of the image data, as recited in Claim 1.

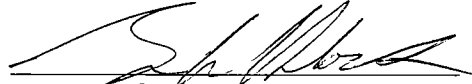
For the foregoing reasons, Applicant submits that the present invention recited in independent Claim 1 is patentable over the art of record, whether that art is considered individually or taken in combination. The other independent claims recite features similar to those of Claim 1 discussed above, and those other independent claims are believed patentable for reasons similar to Claim 1.

The dependent claims are believed patentable at least for the same reasons as the independent claims, as well as for the additional features they recite.

In view of the foregoing, Applicant submits that the present application is in condition for allowance. Favorable reconsideration, withdrawal of the outstanding rejections, and an early Notice of Allowance are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. L. Klock', written over a horizontal line.

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